

REMARKS

These remarks are in response to the office action bearing a mailing date of June 24, 2004. No claims are cancelled or amended, and Claims 26-58 are currently pending. In light of the following remarks, the applicants respectfully request withdrawal of the pending rejection, and advancement of this application to allowance.

Claims 26-58 stand rejected as being obvious over Silverwater (4,651,670) in view of Ludwig et al. (6,265,866). The applicants respectfully traverse this rejection.

Under 35 U.S.C. §§ 103(c) and 102(e), a U.S. patent or patent application is entitled to a foreign priority date for prior art purposes only if the U.S. patent claims priority to a foreign application filed under the treaty defined in 35 U.S.C. § 351 (i.e., only if the foreign application is a PCT application). It is not entitled to its foreign priority date if it claims priority under 35 U.S.C. §§ 119(a)-(d), (f) or 365(a). The applicants respectfully direct the examiner's attention to M.P.E.P. § 2136.03 (I) and (II).

Ludwig et al. has a filing date in the United States of April 5, 2000. Its foreign priority date depends from a German national patent application (DE 199 15 988), and it does not depend from a PCT application. Accordingly, Ludwig's effective priority date for use as prior art is April 5, 2000. The present application has a priority date of July 19, 1999, which is before the priority date of Ludwig et al. and it is not prior art against the present application. Accordingly, the applicants respectfully request withdrawal of the pending rejection and allowance of the pending claims.

Please contact the undersigned attorney at (612) 336-4608 if there are any questions or concerns.

Respectfully submitted,

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